

**MINUTES**  
**INDIANA STATE BOARD OF DENTISTRY**  
**OCTOBER 1, 2010**

**I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Hollar called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

**Board Members Present:**

Steven C. Hollar, D.D.S., President  
Matthew I. Miller, D.D.S., Vice President  
Gary M. Haller, D.D.S., Secretary  
Jill M. Burns, D.D.S.  
Charles N. Heape, D.D.S.  
Theodore A. Rokita, D.D.S.  
Philip L. Catey, D.D.S.  
Richard T. Newton, III, D.D.S.  
Laverne Robison Whitmore, L.D.H., B.S.

**Board Members Not Present:**

Clance LaTurner, Consumer Member

**State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency  
Jim Schmidt, Deputy Attorney General, Office of the Attorney General

**II. ADOPTION OF THE AGENDA AS AMENDED**

A motion was made and seconded to adopt the agenda as amended.

HALLER/WHITMORE  
Motion carried 9-0-0

**III. ADOPTION OF THE MINUTES FROM APRIL 9, 2010, MAY 7, 2010, JUNE 4, 2010 AND AUGUST 6, 2010**

A motion was made and seconded to adopt the minutes as corrected from the April 9, 2010, May 7, 2010, June 4, 2010 and August 6, 2010 meetings of the Board.

HALLER/WHITMORE  
Motion carried 9-0-0

#### **IV. APPEARANCES**

##### **A. PROBATIONARY**

**1. Michael Edward Bajza, D.D.S., License No. 12009652A**  
Administrative Cause No. 2005 ISDB 0011

Dr. Bajza appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Bajza has not completed any more community service since the last meeting. He explained he is attempting to complete community service hours at the nursing home his mother is currently a resident. His application to volunteer there has been hindered by his conviction. Dr. Bajza submitted copies of his continuing education to the Board. He also explained that his mentor, Dr. Browning, has become ill and will not be able to continue as his mentor. Dr. Burns explained to the Board she is assisting Dr. Bajza in finding a replacement mentor. Dr. Bajza's next probationary visit is set for December 3, 2010.

**2. Raymond Burris, D.D.S., License No. 12006355A**  
Administrative Cause No. 2009 ISDB 0010

Dr. Burris appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Burris stated his information has stayed the same. Dr. Burris has completed the additional twelve (12) hours of continuing education and submitted the certificates. Dr. Burris continues to volunteer at Fairbanks for community service and is involved in many other programs. The Board stated that he is required to submit proof of completion of his community service on a quarterly basis for the duration of the probation. They also asked that the reports be sent from the individual programs he is leading or attending. Dr. Burris is scheduled for his next probationary visit on December 3, 2010.

**3. Clifford Salk, D.D.S., License No. 12006043A**  
Administrative Cause No. 2010 DB 0002

Dr. Salk appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Salk updated his personal information with the Board as required by his probationary order. Dr. Salk has completed and submitted to the Board twenty (20) hours of continuing education. Upon review of the certificates, it was noted he had completed all 20 hours in practice management. The Board explained he can only have five hours in the area of practice management and will need to make up the other fifteen (15) hours in the area of dentistry. Dr. Salk must also complete twelve (12) hours in ethics in which two (2) of those hours must be at a live seminar. Dr. Salk indicated to the Board that he has been in contact with Yellow Pages to make the necessary advertising changes. The Board reminded him that his attorney and the Board must review any advertisements prior to having them published. Dr. Salk also submitted his fine of \$3,000.00 and the cost for the transcript of the June 4, 2010 hearing before the Board. Dr. Salk is scheduled for his next probationary visit on December 3, 2010.

**4. Carrie Anne Striplin, L.D.H., License No. 13004600A**  
Administrative Cause No. 2010 ISDB 0008

Ms. Striplin appeared before the Board, as requested, regarding her ongoing probation. Ms. Striplin has completed the sixteen (16) hours of non-dental community service as required by her probation order. She has contacted Jay Dziwlak with the Indiana Dental Association regarding a live ethics course. He stated there are not any local live ethics courses available at this time, but would let her know if one came available. She is still working full time for Dr. Vote. Ms. Striplin has been in contact with Ms. LaTurner regarding the required community service in the area of dentistry. Ms. Whitmore asked if she is familiar with Trinity Church for dental community service and recommended she contact them. Ms. Striplin is scheduled for her next probationary appearance on December 3, 2010.

**5. Trevor Treasure, D.D.S., License Number 12010719A**  
Administrative Cause No. 2007 ISDB 0002

Dr. Treasure appeared before the Board, as requested, regarding his ongoing probation. Dr. Treasure stated things are going well and he is continuing to teach at Indiana University School of Dentistry. Dr. Treasure reported he still sees Dr. Moe quarterly and his medications have not changed. He informed the Board that the California Medicaid issue has been resolved with the investigation being dropped and that he is now Medicaid eligible. Dr. Treasure told the Board he would like to work at Wishard Hospital doing clinical work in the future. The Board is in receipt of his September report. The Board also acknowledged the articles he has recently written for the Indiana Dental Association and the American Dental Association. Dr. Hollar commended him on his progress and reported the Board hears good things about him. Dr. Treasure is scheduled for his next probationary appearance on December 3, 2010.

**6. Teresa M. Watkins, D.D.S., License No. 12010271A**  
Administrative Cause No. 2006 DB 0003

Dr. Watkins appeared before the Board, as requested, regarding her ongoing probation. Dr. Watkins stated she is in compliance with her order and will be done with probation in Delaware County in one (1) month. Dr. Watkins submitted reports from July, August and September from Dr. Miller. She is currently working approximately four and a half days per week. Dr. Watkins is scheduled for her next probationary appearance on December 3, 2010.

**B. RENEWAL/REINSTATEMENT**

**1. Sharon Joy Follendorf, L.D.H., License No. 13003976A**

Ms. Follendorf appeared before the Board, as requested, regarding reinstatement of her dental hygiene license. Ms. Follendorf's license expired on March 1, 2004. She explained to the Board that she has not practiced since that time. She opened a retail business that she ran from 2003 until March 2010. Ms. Follendorf has completed fifty-six (56) hours of continuing

education as well as completion of a CPR course by the International CPR Institute and completed an Indiana ethics and jurisprudence continuing education course by the Indiana Dental Association. The Board is concerned with her competency due to not practicing dental hygiene for the past seven years. She explained to the Board that she had practiced for 25 years full and part-time in a clinical setting prior to the expiration of her license. She has made arrangements with a previous employer to job shadow. Ms. Whitmore encouraged Ms. Follendorf to find a remediation hands-on course to familiarize herself with the current practice of dental hygiene. Ms. Whitmore asked Nancy Young about a remediation course and she stated it was a two (2) credit hour course, one day a week for one semester with approximately 60 hours of clinical coursework.

**Board action:** A motion was made and seconded to reinstate Ms. Follendorf's dental hygiene license upon successful completion of a hands on remediation course consisting of twelve (12) hours. She was also required to retake and pass the Indiana jurisprudence examination.

BURNS/HEAPE  
Motion carried 9-0-0

## C. APPLICATION

### 1. Katie L. Andres, L.D.H.

Ms. Andres appeared before the Board, as requested, regarding her application for a dental hygiene license by examination. Ms. Andres is a 2010 graduate from Ferris State University and has taken and passed National Boards and the North East Regional Board of Regional Dental Examiners (NERB). Ms. Andres answered "yes" to question 4B on the application that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained that she was charged with minor possession of alcohol in Michigan on February 8, 2009. Ms. Andres was required to attend a six (6) week group counseling program and twenty (20) hours of community service. Ms. Andres graduated Cum Laude from Ferris State University and was on the Dean's list all semesters. Ms. Andres is also currently licensed in Michigan.

**Board action:** A motion was made and seconded to grant Ms. Andres a dental hygiene license upon successful completion of the Indiana jurisprudence examination.

MILLER/HALLER  
Motion carried 9-0-0

### 2. Andria Rene Worland, L.D.H.

Ms. Worland appeared before the Board, as requested, regarding her application for a dental hygiene license by examination. Ms. Worland is a 2010 graduate from Indiana University and has taken and passed National Boards and the North East Regional Board of Regional Dental Examiners

(NERB). Ms. Worland answered "yes" to question 4B on the application that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained that in July 2009 she was arrested for driving while intoxicated. Ms. Worland was convicted of a Class C Misdemeanor on October 13, 2009. She served a 365 day supervised probation ending on September 24, 2010; ninety (90) day drivers license suspension; seventy (70) hours of public restitution, completion of twenty (20) hours of drug and alcohol program; attend a MADD Victim Impact program, random urine screenings and attend regular meetings with assigned probation officer, Olivia Zajac. Ms. Worland's probation was lifted on September 30, 2010.

**Board action:** A motion was made and seconded to grant Ms. Worland a dental hygiene license upon successful completion of the Indiana jurisprudence examination.

MILLER/ROKITA  
Motion carried 9-0-0

## **V. ADMINISTRATIVE RULE HEARING**

### **A. LSA Document #10-237**

Re: Dental Hygienists and Dental Assistants

**Parties and Counsel Present:**

Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Hollar, D.D.S., President (Hearing Officer)

Dr. Miller, D.D.S.

Dr. Haller, D.D.S.

Dr. Burns, D.D.S.

Dr. Heape, D.D.S.

Dr. Rokita, D.D.S.

Dr. Newton, D.D.S.

Dr. Catey, D.D.S.

Ms. Whitmore, L.D.H., B.S.

**Case Summary:** The Board heard testimony from the public regarding LSA Document #10-237. The following individuals rose in support of the Proposed Rule:

Cathy Roberts, Indiana Dental Assistants Association

Becky Ales, Indiana Dental Hygiene Association

Terry Scheckner, Indiana Dental Association

John Roberts, D.D.S., Indiana Dental Association

He recommended that under 828 IAC 0.5-1-9.1 the word "anesthetics" should be changed to "analgesics".

David Holwager, D.D.S., Indiana Dental Association

Barbara MacMillan, L.D.H., South Bend, Indiana

Brenda Valliere, D.D.S., Indiana University Purdue University at Fort Wayne  
The school is ready to provide course work in compliance with this rule.

Amanda Daniels, L.D.H., Syracuse Indiana

She stated that she has practiced over 4 years as a dental hygienist and is currently employed by Aspen Dental.

Daniel W. Krueger, D.D.S., West Lafayette, Indiana

1. Add language for the maintenance of malpractice insurance by the dental hygienist.
2. Under 828 IAC 1-1-15(1)(20), the proposed rule states that dentist are required to be held accountable for maintaining documentation of the examination. Dr. Krueger recommends that language be added that also requires the dental hygienist to maintain documentation of the examination.
3. Under 828 IAC 3-2-2(a), the proposed rule states that fourteen (14) hours of laboratory work is required. Dr. Krueger stated this is excessive amount of hours and recommended this be changes to 3 hours or to a specific number of injections.
4. Under 828 IAC 3-2-2(b), the proposed rule states that the dental hygienist is required to take and pass the North East Regional Board (NERB) or equivalent. Dr. Krueger recommended that the rule specify which portion of the NERB would be required.
5. Under 828 IAC 6-1-1(b), the proposed rule states that nine (9) hours of didactic instruction is required. Dr. Krueger recommended that didactic hours of instruction be changed to require only 6 to 8 hours of instruction.
6. Under 828 IAC 6-1-2(b)(2), Dr. Krueger recommended that "prophy jet" be added to the proposed rule.

Mark Szakaly, D.D.S., Indiana Dental Association

**No Member of the public testified against the proposed rule.**

**Technical Amendments:**

The following technical amendments were proposed by the Board:

1. Amends 828 IAC 0.5-1-9.1 to strike "anesthetics" and add "analgesics".
2. Amends 828 IAC 3-2-2(a) to add "a course in local anesthesia administration in".
3. Amends 828 IAC 3-2-2(a) to strike "or curriculum".
4. Amends 828 IAC 3-2-2(b) to strike "program" and add "requirement".
5. Amends 828 IAC 3-2-2(b) to add "local anesthesia examination".

6. Amends 828 IAC 3-2-3 to strike "syllabus of" and add "course description documenting".

**Board action:** A motion was made and seconded to amend the proposed rule as outlined above.

HOLLAR/WHITMORE  
Motion carried 9-0-0

**Board action:** A motion was made and seconded to adopt the rule as amended.

/BURNS/WHITMORE  
Motion carried 9-0-0

## **VI. ADMINISTRATIVE HEARINGS**

- A. State of Indiana vs. Roschelle Major-Bank, D.D.S., License No. 12009164A**  
Administrative Cause No. 2009 ISDB 0009  
Re: Complaint & voluntary Dismissal of Complaint

**Parties and Counsel Present:**

Respondent was not present nor represented by counsel  
David Fleischhacker, Deputy Attorney General for the State of Indiana  
Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Hollar, D.D.S., President (Hearing Officer)  
Dr. Miller, D.D.S.  
Dr. Haller, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Dr. Rokita, D.D.S.  
Dr. Newton, D.D.S.  
Dr. Catey, D.D.S.

**Case Summary:** On or about October 6, 2009 a complaint was filed against respondent alleging Respondent allowed a non-licensed individual to take intraoral impressions which were used in the fabrication of dentures for complainant. On September 29, 2010, David Fleischhacker filed a Motion to Dismiss.

**Board action:** A motion was made and seconded to grant the dismissal of the complaint against Dr. Major-Banks.

CATEY/HEAPE  
Motion carried 8-0-0

\*Ms. Whitmore was not present for the hearing

- B. State of Indiana vs. Byron Moore, D.M.D., License No. 12010628A**  
Administrative Cause No. 2010 DB 0003  
Re: Order to Show Cause

**Parties and Counsel Present:**

Respondent was present with counsel, A. Barclay Wong  
Elizabeth Kiefner-Crawford, Deputy Attorney General for the State of Indiana  
Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Hollar, D.D.S., President (Hearing Officer)  
Dr. Miller, D.D.S.  
Dr. Haller, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Dr. Rokita, D.D.S.  
Dr. Newton, D.D.S.  
Dr. Catey, D.D.S.  
Ms. Whitmore, L.D.H., B.S.

**Case Summary:** Respondent appeared, as requested, with legal counsel. The State proposed a settlement agreement between Respondent and the State. Respondent has been charged with fifteen (15) counts of obtaining controlled substances. Respondent has agreed to have his dental license placed on Indefinite Summary Suspension until his criminal matter is resolved in Vanderburgh County, Indiana.

**Board action:** A motion was made and seconded to accept the settlement agreement as proposed in that Dr. Moore's dental license shall be placed on Indefinite Summary Suspension until his criminal matter is resolved in Vanderburgh County, Indiana.

MILLER/BURNS  
Motion carried 9-0-0

- C. **State of Indiana vs. William Paul Cornils, D.D.S., License No. 12007331A**  
Administrative Cause No. 2010 ISDB 0009  
Re: Complaint

**Parties and Counsel Present:**

Respondent was present without counsel  
David Fleischhacker, Deputy Attorney General for the State of Indiana  
Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Hollar, D.D.S., President (Hearing Officer)  
Dr. Miller, D.D.S.  
Dr. Haller, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Dr. Rokita, D.D.S.  
Dr. Newton, D.D.S.  
Dr. Catey, D.D.S.  
Ms. Whitmore, L.D.H., B.S.

**Case Summary:** Respondent appeared, as requested, without legal counsel. The State proposed a Settlement Agreement between Respondent and the State.



Respondent shares a practice with his daughter in which he forged his daughter's name on prescriptions. Respondent is currently participating in the Dental Well-Being Program. The State presented a Settlement Agreement with an oral amendment to request respondent to submit a log within seven (7) days of this order his current per. The State asks the Board to accept the agreement as amended.

**Board action:** A motion was made and seconded to accept the Settlement Agreement as amended in the matter of Dr. Cornils' dental license.

CATEY/HOLLAR

Motion failed 4-4-0

\*Dr. Haller recused himself

\*Dr.'s Burns, Rokita, Newton and Heape opposed

**Board action:** A motion was made and seconded to refer this matter back for further discussion to the Attorney General's office.

CATEY/WHITMORE

Motion carried 7-1-0

\*Dr. Haller recused himself

\*Dr. Hollar opposed

The Board went back on record at 1:23 p.m. The State made amendments to the Settlement Agreement. Respondent has signed a lifetime contract with the Dental Wellness Program. The prescription dialogue was added to the written agreement. The State asks the Board to accept the amended settlement agreement as written with terms and conditions as follows:

- Respondent's license is to be placed on indefinite probation
- Respondent may not seek to modify this probation for a period of two (2) years
- Respondent shall kept the Board informed of his residential address and telephone number at all times
- Respondent shall keep the Board informed of his office address and telephone number at all times
- Respondent shall make personal appearances before the Board three (3) times per year for the first year of his probation and (2) times per year thereafter for the remainder of the probationary period
- Respondent shall continue to participate in and successfully complete the Dental Wellness Program. Respondent shall have quarterly status updates sent from the Dental Wellness Program to the Board for the first year of his probation and biannual status updates thereafter for the remainder of the probationary period
- Respondent shall submit a log of all current personal prescriptions to the Board within seven (7) days of the Final Order in this matter and submit copies of all new or changed personal prescriptions to the Board within seven (7) days of their writing
- Respondent shall pay a fine of \$1,000.00 to the Indiana Professional Licensing Agency

- Prior to petition for withdrawal of his probation, Respondent shall pay a fee of \$5.00 to Office of the Attorney General to be deposited in the Health Records and Personal Identifying Information Protection Trust Fund
- Respondent agrees that he shall surrender his controlled substance registration and Drug Enforcement Administration Certificate of Registration for a period of one (1) year from the date of this order
- Respondent understands that failure to comply with the Board's order may result in Petitioner requesting an summary suspension of Respondent's license

**Board action:** A motion was made and seconded to accept the Settlement Agreement as proposed regarding Dr. Cornils' dental license.

BURNS/NEWTON  
Motion carried 9-0-0  
\*Dr. Haller recused himself

**D. Robert Alderman, D.M.D**

Administrative Cause No. 2010 ISDB 0010  
Re: Petition for Review of the Board's Denial

**Parties and Counsel Present:**

Petitioner was present without counsel  
Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Hollar, D.D.S., President (Hearing Officer)  
Dr. Miller, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Dr. Rokita, D.D.S.  
Dr. Newton, D.D.S.  
Dr. Catey, D.D.S.  
Ms. Whitmore, L.D.H., B.S.

**Case Summary:** Petitioner appeared regarding the denial of licensure by endorsement. Petitioner applied to the Indiana State Board of Dentistry for licensure by endorsement. The Board denied his endorsement application on August 6, 2010 based on 828 IAC 1-3-1.1(a)(7)(d) which states "(d) that the applicant has been engaged in the active practice of dentistry for not less than two (2) years out of the three (3) years immediately preceding the submission of the application." He explained that he graduated from the University of Louisville in 2003 and then joined the military upon graduation. He is currently enrolled in the Indiana University School of Dentistry Residency program and has been since 2007. Petitioner is also licensed in the state of Kentucky. Petitioner applied for a license because of an opportunity to become a faculty member at Indiana University School of Dentistry. Dr. Alderman is only allowed to use one year of his residency towards his experience. He asked the Board to take into consideration his unique circumstances and grant him a license based on endorsement.

**Board action:** A motion was made and seconded to deny Dr. Alderman a dental license by endorsement based on 828 IAC 1-3-1.1(d) because he has not engaged in the active practice of dentistry for not less than two (2) years out of the three (3) years immediately preceding the submission of the application.

MILLER/CATEY

Motion carried 5-4-0

\*Dr.'s Rokita, Hollar, Heape and Burns opposed

**E. Jennifer Sullivan, D.M.D.**

Administrative Cause No. 2010 ISDB 0011

Re: Petition for Review of the Board's Denial

**Parties and Counsel Present:**

Petitioner was present without counsel

Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Hollar, D.D.S., President (Hearing Officer)

Dr. Miller, D.D.S.

Dr. Burns, D.D.S.

Dr. Heape, D.D.S.

Dr. Rokita, D.D.S.

Dr. Newton, D.D.S.

Dr. Catey, D.D.S.

Ms. Whitmore, L.D.H., B.S.

**Case Summary:** Petitioner appeared regarding the denial of licensure by endorsement. Petitioner applied to the Indiana State Board of Dentistry for licensure by endorsement. The Board denied her endorsement application on August 6, 2010 based on Title 828 IAC 1-3-1.1(a)(7)(d) which states "(d) that the applicant has been engaged in the active practice of dentistry for not less than two (2) years out of the three (3) years immediately preceding the submission of the application." Petitioner is a 2003 graduate of University of Pennsylvania. Upon graduation she became licensed in Pennsylvania. She completed a one (1) year residency at the University of Pennsylvania in 2004. Upon completion of the residency, she moved to Lexington, Kentucky and worked at the University of Kentucky from 2004 - 2007. She also worked in a private practice from 2004 - 2006 for Dr. W.B. Galbreath. In 2006 she entered a residency program at the University of Kentucky which will be completed in December 2010. Petitioner entered into evidence Exhibit "A", an email from Ms. Leslie Bridgforth explaining she did not qualify for licensure by endorsement and Exhibit "B", an email from Ms. Bridgforth stating she must be practicing dentistry for two (2) of the last three (3) years. Petitioner stated she can prove she has met the work requirements for licensure. She also entered Exhibit "C", a reference letter from Dr. Galbreath stating she worked 20 plus hours per week from 2004 - 2006.

**Board action:** A motion was made and seconded to grant Dr. Sullivan a dental license by endorsement upon successful completion of the Indiana jurisprudence examination.

## VII. APPEARANCE

**A. Phil Wickizer, Board Director**  
Indiana Board of Pharmacy  
Re: INSPECT Program

Mr. Wickizer discussed the Indiana Scheduled Prescription Electronic Collection and Tracking (INSPECT) program with the Dental Board. He explained that they monitor all Schedule II-V controlled substances prescribed in the State of Indiana. Mr. Wickizer spoke of INPSECT updating their system and launching a new website, [www.prescriptionwatch.org](http://www.prescriptionwatch.org). This will enhance the current system of prescription tracking. Inspect will be sending out a person of interest alert to any dentist who may have prescribed a controlled substance to one of these individuals.

## VIII. NOTICE OF PROPOSED DEFAULT

**A. Philip Ray Travis, D.M.D., License No. 12011406A**  
Administrative Cause No. 2010 ISDB 003  
Re: Notice of Proposed Default and Response from Dr. Travis

**Parties and Counsel Present:**  
Respondent was not present nor represented by counsel  
David Fleischhacker, Deputy Attorney General for the State of Indiana  
Sherry Rutledge, Court Reporter

**Participating Board Members:**  
Dr. Hollar, D.D.S., President (Hearing Officer)  
Dr. Miller, D.D.S.  
Dr. Haller, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Dr. Rokita, D.D.S.  
Dr. Newton, D.D.S.  
Dr. Catey, D.D.S.  
Ms. Whitmore, L.D.H., B.S.

**Case Summary:** Respondent's dental license was issued on probation with terms and conditions on February 22, 2010. Respondent failed to appear at the required meetings of the Board regarding the probationary status of his license. Respondent has requested from the Board in writing that the default not be entered. The State indicated they do not have any objection to the hearing being reset so Respondent may appear.

**Board action:** A motion was made and seconded to reset the hearing for Dr. Travis to December 3, 2010.

MILLER/CATEY  
Motion carried 9-0-0

## **IX. DISCUSSION**

### **A. Brian Eugene Spilmon, D.D.S., License No 12008986A**

Cause No. 2004 ISDB 0005

Re: Motion for Relief of Repayment of Costs

Dr. Spilmon has filed a motion for relief of repayment of costs in regards to the hearing held on May 7, 2010 in which his license was revoked.

**Board action:** A motion was made and seconded to deny Dr. Spilmon's motion for relief of repayment of costs.

MILLER/CATEY  
Motion carried 9-0-0

### **B. David S. Kilgore, D.D.S., License No 12011506A**

Cause No. 2010 ISDB 0007

Re: Request to Surrender License

Dr. Kilgore requested to surrender his Indiana dental license. He stated he received the license on probation with terms and conditions effective July 8, 2010 but will not be working in Indiana so therefore would like to surrender the license. Upon discussion from the Board, it was determined that according to IC 25-1-9-14, a license may only be surrendered in lieu of a hearing for disciplinary action.

**Board action:** A motion was made and seconded to send a letter to Dr. Kilgore that the Board is unable to accept the surrender of his license. Therefore his request for voluntary surrender is denied and he must comply with the terms of probation as written.

HOLLAR/CATEY  
Motion carried 9-0-0

### **C. Frank Recker, D.D.S., J.D.**

Re: Advertising Regulations

The Indiana State Board of Dentistry has read the information contained within the letter from Dr. Recker to the Board and no further comment was given.

### **D. Intern Permits for Indiana University**

The Board discussed the intent of the intern permits for practitioners in a residency program at Indiana University. The Board agreed the intent, rules and application need to be revamped regarding intern permits.

### **E. Administrative Rule Review: Types of Licensure**

Dr. Hollar discussed the topic of a change for the types of licensure available in Indiana. He asked the Board for their input on changes/updates the administrative rules and application for the following permit types:

- a. General anesthesia permit and light parenteral conscious sedation permit.
- b. Mobile dental facility permit.  
Dr. Heape was appointed to revamp the application for mobile dental facility permit.
- c. Instructors permit.

The Board discussed additional permits that may be useful, such as a residency permit and a teaching permit. They also discussed clarifying the licensure by examination language concerning which regional/clinical examinations are to be accepted as well as changing licensure by endorsement/reciprocity. Dr. Burns suggested a subcommittee to revise the endorsement requirements. Dr. Hollar appointed Dr. Burns as the committee head regarding updating the requirements for licensure by endorsement.

## **X. APPLICATION REVIEW**

### **A. Examination**

There were no applications by examination to be reviewed by the Board.

### **B. Endorsement**

#### **1. Samson T. Liu, D.D.S.**

The Board reviewed the application for licensure by endorsement for Dr. Liu. Dr. Liu is 1999 graduate from Northwestern University and is currently licensed in the states of Missouri, Texas and Illinois. He has taken and passed National Boards Part I 1997 and Part II 1998 and National Boards and the North East Regional Board of Regional Dental Examiners (NERB) in 1999. He marked "yes" to question 7 on the application that asks "Have you ever had a malpractice judgment against you or settled any malpractice action?" He explained in a notarized affidavit that he had a settled malpractice claims on September 14, 2004 in the amount of \$20,000.00 and on February 9, 2006 in the amount of \$90,000.00. The self-query report received by the Board from the National Practitioner Databank showed three (3) other malpractice claims that had been settled by Dr. Liu which he failed to report on his application for licensure.

**Board action:** A motion was made and seconded to deny Dr. Liu's application for dental licensure based upon not reporting all malpractice actions.

MILLER/BURNS  
Motion carried 9-0-0

#### **2. Kenneth J. Patterson, D.D.S.**

The Board reviewed the application for licensure by endorsement for Dr. Patterson. Dr. Patterson is a 1989 graduate from Case Western Reserve University and is licensed in the states of Ohio and California. He has taken and passed National Boards Part I 1987 and Part II 1988 and National Boards and the North East Regional Board of Regional Dental Examiners (NERB) in 1989. He answered "yes" to question 7 on the application that asks "Have you ever had a malpractice judgment against you or settled any malpractice action?" He explained in a notarized affidavit that he settled a malpractice claim on April 6, 2001 in the amount of \$50,000.00. Dr. Patterson stated to the Board this claim has been closed and there was no action taken by California or Ohio.

**Board action:** A motion was made and seconded to grant Dr. Patterson a dental license upon successful completion of the Indiana jurisprudence examination.

MILLER/HEAPE  
Motion carried 9-0-0

**3. Robert Stefanski, D.D.S.**

The Board reviewed the application for licensure by endorsement for Dr. Stefanski. Dr. Stefanski is a 1983 graduate from the University of Michigan and is currently licensed in the state of Michigan. He has taken and passed National Boards Part I 1981 and Part II 1982 and National Boards and the North East Regional Board of Regional Dental Examiners (NERB) in 1983. He answered "yes" to question 7 on the application that asks "Have you ever had a malpractice judgment against you or settled any malpractice action?" He explained in a notarized affidavit that he settled malpractice claims on February 9, 2006 in the amount of \$90,000.00 and March 16, 2009 in the amount of \$1,400.00. The self-query report received by the Board from the National Practitioner Databank showed two (2) other malpractice claims that had been settled as well as three (3) other actions taken against Dr. Stefanski as well as removal from Network Participation which he failed to report on his application for licensure.

**Board action:** A motion was made and seconded to deny Dr. Stefanski's application for dental licensure based upon not reporting all malpractice actions.

MILLER/HEAPE  
Motion carried 9-0-0

**C. Anesthesia and Sedation Permits**

There were no anesthesia permits to review.

**D. Dental Intern Permit**

There were no dental intern permits to review.

**E. Mobile Dental Facility**

There were not mobile dental facility permits to review.

**F. Instructors License**

There were no instructor's license applications to review.

**G. Professional Corporations**

There were no professional corporation applications to review.

**XI. PROBATIONARY REPORTS**

**A. Penelope Dunlap, D.D.S.**

Dr. Haller reviewed Dr. Dunlap's probationary file. Her reports from Joseph W. Hake, D.D.S., Monitor, for August and September 2010 were reviewed and accepted.

**B. Marci Huth, L.D.H.**

Dr. Haller reviewed Ms. Huth's probationary file. Ms. Huth is currently not employed as a dental hygienist. She reported that her address had not changed, and the medication she is currently taking. Her report was reviewed and accepted.

**Board action:** A motion was made and seconded to accept the probationary reports for Dr. Dunlap and Ms. Huth.

MILLER/HALLER

Motion carried 9-0-0

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**XII. CONTINUING EDUCATION**

**A. Dr. George E. Kirtley**

**B. Institute for National Resources**

**C. Periodontal Specialists of Indiana**

**D. Region's Women's Study Club**

**E. Indiana Section of the American Association for Dental Research**

Dr. Newton reviewed and approved all applications for continuing education sponsors.

**Board action:** A motion was made and seconded to approve of the applications for continuing education sponsor for George E. Kirtley, Institute for Natural Resources, Periodontal Specialists of Indiana, Region's Women's Study Club and Indiana Section of the American Association for Dental Research.

HALLER/BURNS

Motion carried 9-0-0



### **XIII. REPORTS**

There were no reports before the Board.

### **XIV. OLD/NEW BUSINESS**

- Ms. Whitmore congratulated Dr. Hollar on his appointment to the Indiana University School of Dentistry Executive Committee and asked Dr. Hollar to explain to the Board what this Committee is. Dr. Hollar stated the Committee connects the Dental Board, the educational portion of practitioners and the Indiana Dental Association. Dr. Hollar explained he felt the Board did not have any representation at the school so he approached the Dean. The Dean appointed the Dental Board President to sit on this executive committee.
- Ed Popcheff with the IDA stated that on October 9, 2010 the Department of Insurance will have a hearing for a medical malpractice rule. The new language proposed in the definition section will affect the definition of a dentist. This is for LSA Document #10-245. The hearing is set for November 10, 2010 at 10:00 a.m.
- Ms. Vaught spoke of the dental continuing education audit being conducted currently by the Professional Licensing Agency. In a random audit of 1% of licensed practitioners, there are thirty-seven (37) dentists and forty (40) dental hygienists required to participate in the audit. The audit will be completed by the December 3, 2010 meeting of the Board.
- Dr. Hollar asked the IDA and the Council on Continuing Education questions concerning the number of hours of continuing education required by other states compared to what Indiana requires. Dr. Hollar asked Ms. Whitmore to speak with the IDHA regarding an increase in the number of continuing education hours. He also asked if the IDA would weigh in on their opinion of the continuing education requirements and to come to the December meeting of the Board to give a report.
- Legal counsel advised the Board of the statutorily imposed \$5.00 fee imposed by the Attorney General's Office if disciplinary action is imposed on a dental license. The fee is to fund the protection of medical and other confidential documentation. This statute for this fee is IC 4-6-14-10(b).

### **XV. ASSOCIATION REPORTS**

#### **A. Indiana Dental Association**

There was no report before the Board. They did thank the Board for the time and chance to speak at the rule hearing.

#### **B. Indiana Dental Hygienists' Association**

There was no report before the Board.

#### **C. Indiana Dental Assistants Association**

There was no report before the Board.

**XVI. ADJOURNMENT**

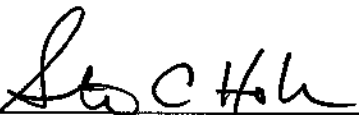
There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 4:30 p.m.

**Board action:** A motion was made and seconded to adjourn the meeting of the Indiana State Board of Dentistry at 4:30 p.m.


WHITMORE/CATEY

Motion carried 7-0-0

\*Dr. Burns and Dr. Newton were not present for the vote

  
\_\_\_\_\_  
Steven C. Hollar, D.D.S., President

4-1-11  
Date

  
\_\_\_\_\_  
Gary M. Haller, D.D.S., Secretary

4-01-2011  
Date